



## The position of marriages performed through qadhi illegal marriages (A study di Uteunkot village Lhokseumawe city)

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### Abstract

Marriage is the inner born bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family or household based on the One True Godhead. Illegal marriage can be explained as a marriage that is carried out without a registration in an agency that has been determined by laws and regulations. Marriages carried out through illegal marriage qadhi in Uteunkot Village are a long-standing thing but information has just emerged among the local people.

This study aims to find out and explain the implementation of marriage through illegal marriage qadhi, the factors causing marriage, and the efforts taken by the parties to obtain the validity of marriage due to marriage carried out through illegal marriage qadhi in Uteunkot Village, Lhokseumawe City.

This research method uses empirical juris, which is a study that emphasizes applicable legal regulations, and in this case the research is carried out by starting from research on secondary data which is then continued with research on primary data in the field with data collection techniques using interviews, literature studies and field studies as well as Data analysis is carried out using descriptive methods.

Hasil research shows that the factors that most often cause marriage through illegal marriage qadhi are Educational, Environmental, Economic, Administrative and Biological factors. So that in an effort to obtain validity, the perpetrators of marriage seek by doing marriage isbat. The validity of marriage is needed by couples who have performed previous marriages in sirri or on the condition that the marriage is religiously valid, in the sense that it is complete and meets the pillars and conditions of legal marriage according to Sharia.

It is recommended that in the future, people should carry out marriages legally, that is, legally and religiously valid in order to secure their lives and legal protection, because illegal marriages will have a big impact and continue in the future which will cause losses to the wife and children born from the results of the invalid marriage. Then, the Government must also be sensitive and give strict action on this matter, not only in Uteunkot Village there is illegal marriage through illegal qadhi nkah, but this incident also occurs in various other villages but it has not been revealed to the public, for example in Alue Lim Village which has not been spread to the community

**Keywords:** marriage, qadhi, illegal

### Introduction

Marriage is the inner born bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family or household based on the One True Godhead. In a legal marriage, it is expected for husbands and wives to care for each other, complement each other's shortcomings and be grateful for each other's strengths.

Remembering that marriage is an instinctive demand of human beings to be healthy in order to live and gain peace of life and cultivate and cultivate human affection. Unlike the case with underhand marriage, where the marriage under the hand is not a marriage as explained in the Marriage Law Number 1 of 1974. The provisions for marriage registration are regulated in Article 2 of Law Number 1 of 1974 concerning Marriage.

Underhand marriage is a marriage that only meets the pillars and requirements religiously by not registering the marriage at the Office of Religious Affairs (KUA). Underhand marriages are usually performed simply by the presence of a guardian of the bride, dowry, witnesses, and ijab qabul only. In an underhand marriage, the marriage registrar will not record the marriage because it is considered to deviate from

the Marriage Act. In order for the marriage to be recognized by the State, the Compilation of Islamic Law (KHI) must involve the Marriage Registrar Employee (VAT), and it is necessary to register marriages for the Islamic community, the registration itself has the purpose of orderly administration of marriage, and can also be a legal force for a marriage in the eyes of the state.

Marriage registration is only an administrative obligation to prove the occurrence of a marriage under the law. The legal requirements for marriage are according to Article 6 to Article 12 of Law Number 1 of 1974 concerning Marriage. Since Law of the Republic of Indonesia Number 16 of 2019 concerning Amendments to Marriage Law Number 1 of 1974 concerning Marriage was promulgated and placed in the Statute Book of the Republic of Indonesia of 2019 Number 186, now marriage is only allowed if men and women have reached the age of 19 (nineteen) years.

Marriage through qadhi illegal marriage is a marriage that occurs without the presence of the guardian nasab of the woman, and qadhi acts as the guardian of the judge for the married couple considered invalid according to religion and also not recognized by the state (Ratna Juita, Rusjdi Ali Muhammad and Imam Jauhari, 2017:106) <sup>[5]</sup>. Underhand

marriage through illegal marriage qadhi that took place in Uteunkot Village, Lhokseumawe City is a long-standing thing but information has just emerged among the local people. There are several cases of underhand marriages in which the status of the validity of the marriage is questioned both religiously and statewide. This practice of marriage under the hands is not supported by the people of Uteunkot Village, Lhokseumawe City.

Based on this explanation, and several other things regarding marriage through illegal marriage qadhi in Uteunkot Village that have not been revealed, the author is interested in studying about "The Position of Marriage Performed By The Parties Through Qadhi Illegal Marriage A Study In Uteunkot Village Lhokseumawe City". This research is felt to be very necessary, both at the theoretical and application level as a response to the factors, causes and effects of marriage law that occur in Indonesia.

## Research Method

### 1. Types, Approaches, and Nature of Research

This research is empirical juridical research, which is a study that emphasizes applicable legal regulations. The research approach used is a qualitative approach, which is an approach in conducting research that is oriented towards symptoms that are natural because of this orientation (Bambang Sunggono, 2006: 75). This research study is descriptive analysis, which is research that aims to describe precisely the properties of an individual, the state, symptoms, or the spread of a symptom or the frequency of a certain relationship between a symptom and other symptoms (Soerjono Soekanto, 2008: 68)<sup>[6]</sup>.

### 2. Location and population of the study

The location of this study is in Uteunkot Village, Lhokseumawe City. The population in this study were Staff of KUA Muara Dua Kota Lhokseumawe, Tengku Imum Uteunkot Village, Head of Uteunkot Village Hamlet, Uteunkot Village Community, Perpetrators of Underhand Marriage Through Qadhi Illegal Marriage.

### 3. Population and research samples

Sampling is carried out by purposive sampling, which is a method of selecting sample elements deliberately, selecting people who are considered to be able to provide clear information about the problem being discussed and are estimated to be able to represent the research population consisting of informants and respondents.

### 4. Data collection sources and techniques

#### a. Data Sources:

##### 1. Data Primer

Primary data is data that is directly obtained from the first data source at the research location or research object (Burhan Bungin, 2017: 132). The author conducted a direct study in Uteunkot Village, Lhokseumawe City relating to the factors and consequences of underhand marriage through illegal marriage qadhi.

##### 2. Secondary Data

Secondary data is data obtained from a second source or secondary source from the required data (S. Kamaruddin Dan Yooke Tjuparmah, 2007: 183). The author collected several books as a foundation and theory for data collection related to this object of study. So that the author can read, analyze and review books in the Library as well as several

articles and journals published both through print and electronic media.

#### b. Data Collection Techniques:

##### 1. Interview

In this study the authors took data collection techniques by interviewing. Interview is a data collection technique by asking directly to the informer who plays an important role in the field to be studied and researched (Muhammad Teguh, 2005: 136). This interview was conducted by the way the researcher asked several respondents directly.

##### 2. Documentation

Documentation is used to collect data in the form of written data and contains information and explanations in Uteunkot Village, Lhokseumawe City related to the object of study.

## 5. Data Analysis

Data analysis is carried out using descriptive methods. In this study, the researcher will explain the results of his research on the implementation of underhand marriage carried out by illegal marriage qadhi in Uteunkot Village, Lhokseumawe City, the factors causing the occurrence of underhand marriage through illegal marriage qadhi in Uteunkot Village, Lhokseumawe City and the efforts made by the parties to obtain the validity of the marriage.

## Results and Discussion

### Execution of Marriage Under Hands By Qadhi Illegal Marriage

Underhand marriage can be explained as a marriage that is carried out without a registration with the agency that has been determined by laws and regulations. The law is valid according to Islamic law as long as there is no motive for "hiding", of course, it has also fulfilled the correct provisions of Shari'a, if it does not meet the pillars and legal conditions of marriage, it is also not valid for marriage.

Marriages that are carried out not in accordance with the rule of law are considered illegal marriages, so they have no legal consequences in the form of legal recognition and protection. In the marriage law, it is stated that each marriage must be recorded according to the applicable laws and regulations. Marriage registration is the same as important events in a person's life, such as birth, death stated in certificates, an official certificate that is also contained in the registry (Rahmi Meldayati, 2015: 126)<sup>[4]</sup>. The absence of legal force in the legality of marriage, tends to make the husband violate the rights of the wife and the isatri cannot claim his rights under state law, and for the child born from the marriage he will find it difficult to obtain a birth certificate due to the absence of proof of a valid marriage, making it difficult for him to receive the education that is his right.

Based on information put forward by Tgk. Imum Uteunkot Village, underhand marriage carried out through illegal marriage qadhi in Uteunkot Village has occurred more or less since 2018, namely 4 (four) years ago, and this can happen because it is beyond the knowledge of the gampong apparatus, where this illegal marriage practice is carried out secretly. The perpetrators of the practice of marriage through illegal marriage qadhi come from various regions, some come from Medan, Sigli, Idi, Lhokseumawe, and several other cities that lack information on the source of origin of the perpetrators because the perpetrators do not live in Uteunkot Village. For the occurrence of marriage through this illegal marriage qadhi, it turns out that there is a young man with the initials AD who takes the initiative to

work like an *agent* where he is the one who helps couples who want to get married easily and cheaply with the lure of being religiously legal without bothering to attend pre-marital training and take care of administration. It is known that the AD claimed to lack religious knowledge and for him the deed was a reward for participating in helping 2 (two) people who wanted to do worship, namely binding in a marriage bond. So based on this incident, the AD was once reprimanded by the village and even almost tried. However, because AD admitted the mistake and promised not to repeat it, the AD case was considered over by the village.

In its implementation, underhand marriage performed by illegal marriage qadhi in Uteunkot village is not free but with a relatively cheap fee with a price range of Rp. 300,000 to 500,000,- where the price tends to be cheaper when compared to the price of marriage recorded in KUA where those who take the location of the marriage contract recorded outside KUA are charged Rp. 600,000,-. To perform marriage through this illegal marriage qadhi is very easy and cheap compared to other villages. Based on information obtained from a perpetrator, the illegal marriage qadhi tariff in Uteunkot village is among the cheapest so that underhand marriage performed by illegal marriage qadhi in Uteunkot village is an alternative option for perpetrators to avoid adultery and avoid the long process if married through KUA.

This illegal marriage Qadhi has the initials R with an age range of 67 years. In the past, R played the role of a Hamlet Imam who often led prayers in religious activities and also religious leaders in the village so that the practice of underhand marriage that he carried out was not suspected by the community for several years because no community suspected that R was also an Illegal Marriage Qadhi. R's case began to be known to the public since there were several married couples who took care of administrative correspondence and apparently did not have family cards, marriage certificates/proofs, and others. Because of this, village officials began to visit people who lived in the village but still did not report even though they had been warned many times to report so that it was clear who occupied the village. R himself has been in session 2 (two) times in the *meunasah* of Uteunkot Village by the Chairman of the MPU (Ulema Consultative Assembly) and attended by other *gampong* apparatus. but still carried out the illegal marriage practice secretly, until finally after being tried by the chairman of the MPU 2 (two) times, R was reported to the police until the case was resolved through legal channels, R was imprisoned for 2 weeks and released on parole.

The marriage under the hands in Uteunkot Village is carried out by people who generally do not understand religion and lack knowledge, such as Y is the mother of M who is approximately 42 years old and Y as the mother of M as well as the perpetrator of marriage under the hand through illegal marriage qadhi through R. Y has been legally and religiously legally married to her first husband and has been blessed with several children who are now adults. Y was later divorced from her first husband and married for the second time to a man with the initials G. it is known that this second time marriage was performed through the illegal marriage qadhi R and did not fulfill the shari'a and the marriage code so it can be said that the marriage was invalid. Y's second marriage did not last long and was

divorced from G and had 1 (one) child, then Y remarried her first husband illegitimately as well, then divorced again and remarried to G through the same marriage qadhi and certainly illegitimate. Y's case came to light when Y was about to take care of his last child's letter to register for school. At that time, Y's last child did not have an identity and had not been registered on the family card, so in 2022 Y was asked to remarry in KUA officially and Y successfully remarried with G officially in KUA.

In this regard, the underhand marriage performed by Qadhi illegal marriage R in Uteunkot Village is detrimental to many parties and is a behavior that bears the sin of *jariyah* under Islamic law because there are many invalid marriages due to lack of marriage. This is because R married a couple who were not religiously qualified or harmonious. Every conjugal relationship perpetrated by the couple is adultery in view of religious law. The perpetrators even had their own children from the illegitimate marriage and that is certainly a pretty big deal. With so many marital problems under hand, it has a fairly far-reaching impact on the family and the community because for Muslims, a marriage that is not religiously valid is an act of adultery that Allah has harmed.

### **Factors Causing Underhand Marriage Through Qadhi Illegal Marriage**

The results showed that there are factors that influence perpetrators of underhand marriage through illegal marriage qadhi in Uteunkot Village. This factor is the most common factor underlying the conduct of underhand marriage through illegal marriage qadhi in Uteunkot Village, namely:

#### **A. Educational Factors**

Education plays a very important role in improving quality human resources. The low quality of education is the cause of the crisis of human resources. Considering that nowadays the times are increasingly advanced, which automatically affects the social life of society.

The importance of education is also the main factor that makes people live more peacefully and run in harmony. The way parents view the expected educational goals of their children will determine the direction of behavior and policies in terms of education, this is what makes a difference with others even though they sometimes have the same goals.

The Education Factor is the main factor experienced by perpetrators in carrying out marriage under the hands through illegal marriage qadhi in Uteunkot Village, so many people are really unfamiliar with the science of marriage which is very important to understand since a child grows into a mature teenager and begins to determine the direction and purpose of his life. The lack of knowledge about both religious law and positive law makes individuals perform these illegal marriages for generations and consider it normal to marry without a guardian, without witnesses, without being recorded and only a contract. The perpetrators usually do not know that the marriage they are doing has violated religious laws such as the absence of a marriage guardian by the bride and several other things. Then, in terms of positive law, they do not know that being legally married or not registered in the KUA is illegal.

#### **B. Environmental Factors**

In human life as a social being, it is inseparable from interaction activities with the surrounding environment, where daily activities are carried out, both in the family environment, work environment, and community

environment, daily activities run. The social environment becomes a determining factor for behavioral changes that occur in each individual or group.

Environmental factors are factors that make marriage under this hand commonplace and ordinary in the eyes of society, where fellow neighbors and between friendships exchange information and communication. The perpetrators of underhand marriage through this illegal marriage qadhi are informed that through R can perform the marriage and there is no need to prepare administrative files and if there is no guardian, or lack of marriage, the marriage can still take place, only with a contract and dowry. It is known that there are some places that think this is a very common occurrence, such as in uteunkot village precisely in the hamlet E, mu alley there, there are found some families who inhabit the place have the status of pekawinan under the hands through the illegal marriage qadhi R, they performed the marriage because of the previous people before they also performed a similar marriage, not recorded in the KUA but religiously valid, some of them are not legally and religiously valid. The difference is that not all of them performed marriages under these hands through the illegal marriage qadhi R, because R was likened to the successor of the previous marriage qadhi, before R was famous and known to the public in 2014 there was another qadhi nikah who is now deceased.

### C. Administrative Factors

Economic Factors become Internal (in) actors that influence economic or business activities in meeting the needs of daily life a day to achieve prosperity. Economic factors include due to a danya habit that occurs in society, that a bridegroom in addition to the obligation to pay a dowry, also has to bear the cost of a considerable marriage party (although this happens according to customary custom), this reason is also the cause of men whose economy is not yet well established prefer to marry secretly, which is important to be legal without having to do a party like most weddings. This is also what makes illegal marriages continue to occur in a society with a low economy, with the hope that parents after their children get married will remove the burden on parents to bear the next life and it is their husband who will provide for their children's lives later. Without difficulty without anxiety and without hassles, this illegal marriage makes some parents in Uteunkot Village whose economy is relatively difficult, they perform this illegal marriage for themselves if they divorce their wives and remarry others and also apply to their descendants to behave in this way driven by the factor of lack of understanding of the correct religious knowledge.

### D. Administrative Factors

Administrative factors should not be used as excuses for their actions. However, this is what happens in society because of the complexity in administrative management, so they also prefer the path of marriage under their hands through illegal qadhi with the lure of easy, fast, and cheap. In fact, in the future, this is precisely what adds more complexity to them.

As we know that all forms of activity in the village must be accompanied by the possession of valid proof of identity such as a family card, especially if the couple has children, of course there are many conditions that must be completed such as making a birth certificate.

### E. Biological Factors

The fundamental needs of every human being consist of biological needs such as eating, drinking, sleeping, and social needs, such as social status, social roles, self-actualization and a sense of security. It is known that a sense of security is one of the basic needs for humans in carrying out their daily activities. The desire to channel biological needs is a human nature as a living being, but its distribution needs to be regulated so that human social life can uphold noble religious values.

Biological factors are factors that support the practice to perform underhand marriage through illegal marriage qadhi. Many perpetrators who came from out of town who at the time of their community interviews replied that the marriage to be carried out through the illegal marriage qadhi R was a second marriage, where they wanted to find safety from adultery because they were already in love but did not want to damage the family that had been built with their first husband or wife. Actually, this is called deviant because of the vagueness of status between new couples, it could be that they are someone who already has a legal and religious wife or husband but is looking for alternatives so as not to be called adulterous while together.

This incident had happened and the perpetrator was expelled by the head of the village E, it was discovered that the perpetrators were from Medan City, each of them already had a husband and wife, but had already fallen in love and wanted to marry an illegal marriage qadhi R, initially they got information that in Lhokseumawe, precisely in Uteunkot Village there was a qadhi who could marry them without the need to take care of the documents and permission of the first wife, they came to the recitation hall in Hamlet E at 8:00 p.m. The couple met Gusniarti's mother at the hall, they conveyed their intention to do the wedding, confused Gusniarti's mother asked for identity and where to get the information that in her area there was Qadhi who could marry them both so easily without any conditions. Until finally they were expelled because what they did was illegal. The man is married and the woman is married but wants to do the marriage secretly so that the relationship is not considered adultery, so he thought.

It is undeniable that uncontrolled biological needs and high passions take away their common sense. All means they take to justify illicit deeds. This is not one known case but there are still many cases and with the same factors that make the rate of underhand mating high every year.

### Efforts taken by the parties to obtain the validity of the marriage

#### A. Attempts by Perpetrators to Obtain Marital Validity

The validity of marriage is needed by couples who have performed previous marriages in sirri or under the hands on the condition that the marriage is religiously valid, in the sense that it is complete and meets the pillars and legal conditions of marriage according to Sharia. In this case, the perpetrator of the marriage under the hand seeks to obtain the validity or recognition of his marriage by means of a marriage certificate.

In this case, for the husband and wife who are still alive, then both must be the parties who apply for the marriage certificate, but if the spouse of one of them dies, then it is the surviving party who applies for the marriage certificate, the absence of the Defendant/Respondent party in the case

of marriage for divorce does not affect the settlement of the case.

Perpetrators of marriages under the hands who apply for marriage certificates are reviewed in advance of marriage by the village, because they must meet the requirements of the preparation file for the application of marriage isbat, if the previous marriage is religiously valid, then it is permissible for them to apply for a marriage certificate, but if the previous marriage is not religiously valid, then they cannot perform the marriage certificate and must remarry legally and recorded. Y is one of the perpetrators of marriage marriage certificates who have just remarried in KUA in 2022, Y has long perpetuated the marriage under his hands and has 1 (one) child from the result of the marriage. It is known that Y was married religiously, but upon investigation it turned out that Y had been married a long time ago through the illegal marriage qadhi R and was not legally married due to the lack of one of his marriage pillars i.e. there was no guardian and neither was sent a guardian, Y married himself of his will with the husband. Finally, after being data collected by the village, Y was assisted in his management and remarried at KUA. The following is the number of couples 3 (three) years earlier who have performed marriage certificates in KUA with the background of having been religiously legally married, but applying for a marriage certificate to make a birth certificate for the child.

**Table 1**

Year	Number of Applications for Marriage Certificate
2020	13 Pairing
2021	44 Pairing
2022	17 Pairing

Source: Muara Dua Lhokseumawe Religious Affairs Office

From the table above, we can see that the application for marriage is not unfamiliar in the Muara Dua Kua of Lhokseumawe City. We can see that the number of cases filed in 2020 to 2022 is more than 50 cases, more precisely 74 cases. If averaged, there are more than 20 cases each year and more than 2 cases every month. If explained further, the year with the highest peak for marriage isbat filing cases for the past three years is 2021 with a total of 44 couples, meaning that the monthly marriage marriage certificate submission ratio is 3.67 cases. Then in second place, the year with the highest peak for marriage isbat filing cases for the past three years is 2022 with a total of 17 couples, meaning that the ratio of monthly marriage isbat submissions is 1.42 cases. Furthermore, in the last order, the year with the highest peak for marriage isbat filing cases for the past three years is 2020 with a total of 14 couples, meaning that the monthly marriage certificate filing ratio is 1.17 cases.

The data based on the table does not show that cases of marriage marriage marriage filings continue to increase every year. but with the conclusion obtained from the data based on the table that there is at least 1 case of filing a marriage certificate every month, then this is not something that can be ignored. 1 case means that 1 family that has problems in the validity of their marriage, if totaled during these 3 years then there are 74 families who have problems with their marriage, assuming that this will continue to grow. With the data obtained from a sub-district, of course, this is a considerable amount, so the data can represent a

conclusion that the rate of illegal marriages around is very high.

### **B. The Role of Social Organizations in Helping Perpetrators to Obtain the Validity of Marriage**

The establishment of social organizations in Uteunkot village against the backdrop of underhand marriage usually harms the women and children born from the marriage legally, where if the couple divorces then there is no evidence for the wife and children to legally demand that they are entitled to joint property for the duration of the marriage and the father does not need to be responsible for the livelihood of his child. If it is found that a couple who performs a marriage under the hands and then divorces and obtains joint property, it can be explained that this occurs due to familial deliberations and the demands are not filed under state law but by means of deliberation of consensus between families through Sharia rules, provided that the marriage under the hands of the above is a religiously valid marriage or sirri.

Here, the role of social organizations in helping perpetrators to obtain the validity of marriage is necessary. Initially, one of the members of an organization whose marriage was illegal explained how difficult it was for him to take care of his administrative needs both in the village and even more so to deal with the civil registry service. On that basis, he immediately completed the requirements and made efforts to legalize his marriage to be recognized by the state. After the efforts were successful, she took the initiative to gather and give her understanding to mothers about the impact that would occur due to illegal marriage. The efforts made by the organization were successful so that the mothers in Uteunkot Village began to worry about the adverse effects that occurred after the community learned of the large number of marriages under hand through illegal marriage qadhi R, they took the initiative to create an organization that would record and find the best solution for women who had married with unclear status. The organization is called Putik Kupula which consists of mothers from every hamlet in Uteunkot Village. They began to record and search for information on anyone who had performed marriages under hand through illegal marriage qadhi R, and sorted out which marriages were religiously valid and which were not religiously valid. For couples whose marriage is not religiously valid, they will be given recommendations and administrative assistance to remarry in the KUA, while for couples whose marriage is religiously valid, they will also be given administrative assistance to perform marriage certificates to the Religious Court.

### **C. The Role of Villages in Population Administration Services for Marriage Parties under Hand**

Population Administration is a series of structuring and ordering activities in the issuance of documents and Population Data through Population Registration, Civil Registration, management of Population Administration information and utilization of the results for public services and the development of other sectors. In general, population administration services consist of:

- a. Child Identity Card (KIA) Service
- b. Death Certificate Services
- c. Indonesian Birth Certificate Services
- d. Indonesian Marriage Registration Service
- e. Divorce Deed Services
- f. Family Card Service

- g. Recording, issuance, and changing elements on the KTP El (Electronic Identity Card)
- h. Foreigner Residence Letter Service
- i. Certificate of Transfer Services Between Districts/Cities and Between Provinces
- j. Second Citation Publishing Service
- k. Child Appointment, Recognition, and Endorsement Services, etc.

From the administrative services above, there are several services that require the role of the village to complete the administration before the official marriage recorded in the KUA, including:

- a. Death Certificate Services
- b. Marriage Registration Service
- c. Family Card Service
- d. Certificate of Transfer Services Between Districts/Cities and Between Provinces

The role of the village in population administration services for the parties to marriage under the hands in Uteunkot Village is very much needed, marriage actors whose status is religiously valid are recorded by the village and are assisted in managing the files needed to register remarriage or apply for marriage certificates in court. What the perpetrators need in this case are:

- 1. Copy of the bride and groom's birth certificate
- 2. Copy of KK and ID Card of the bride and groom
- 3. Certificate of Never Married from the Village / Kelurahan
- 4. Marriage Certificate from the Village /Kelurahan
- 5. Copy of ID card of 2 witnesses
- 6. 4x6 paired photos = 4 sheets
- 7. Fill Form

All administrative needs and preparation of the file are assisted and facilitated by the village apparatus, so that no more residents of Uteunkot Village can perform marriages under their hands through illegal marriage qadhi. So far it is known that illegal marriage qadhi R has dismissed the practice of marriage which was previously carried out at his residence in Hamlet B of Uteunkot Village. The uteunkot village also hopes that the practice of illegal marriage carried out by R is the last illegal marriage practice that occurred in uteunkot village after many practices that occurred before this. The village also continues to try to minimize and even overcome it completely so that similar cases do not happen again. This was conveyed by tgk. Imum gampong uteunkot during the interview, he as the leader of the religious sector in the village along with all other village officials will work together and work hand in hand to overcome the problem so that it can be resolved optimally.

### Conclusion

Underhand marriage carried out through illegal marriage qadhi in Uteunkot Village has occurred more or less since 2018, namely 4 (four) years ago, and this can happen because it is beyond the knowledge of the gampong apparatus, where this illegal marriage practice is carried out secretly.

Hasil research shows that the factors that most often cause marriage through illegal marriage qadhi are Educational, Environmental, Economic, Administrative and Biological factors. So that in an effort to obtain validity, the perpetrators of marriage seek by doing marriage isbat. The validity of marriage is needed by couples who have performed previous marriages in sirri or on the condition

that the marriage is religiously valid, in the sense that it is complete and meets the pillars and conditions of legal marriage according to Sharia.

It is recommended that in the future, people should carry out marriages legally, that is, legally and religiously valid in order to secure their lives and legal protection, because illegal marriages will have a big impact and continue in the future which will cause losses to the wife and children born from the results of the invalid marriage. Then, the Government must also be sensitive and give strict action on this matter, not only in Uteunkot Village there is illegal marriage through illegal qadhi nkaah, but this incident also occurs in various other villages but it has not been revealed to the public, for example in Alue Lim Village which has not been spread to the community

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